

PUBLIC HEARING--May 12, 1965

Appeal #8185 J. I. Bender & Sons, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Hatton not voting, the following Order was entered on May 17, 1965:

**ORDERED:**

That the appeal for a variance from the rear yard requirements of the C-4 District to permit addition to existing structure to extend for full height of structure without additional rear yard setback and to erect roof structures in accordance with Section 3308 of the Zoning Regulations at 1109-1111 - 18th Street, N.W., lots 812, 813 and 814, square 161, be granted.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lots have a frontage of 122.5 feet on 18th Street with depths of 109.62 and 125.6 feet and contains an area of 14,360 square feet.

(2) The property is improved with a four-story office building which was originally designed as a six-story building to be used as an automobile warehouse.

(3) The first story of the existing building occupies 100% of the lot while the upper three stories occupy less of the lot.

(4) The appellants propose to add four stories which will occupy the same lot area as the upper three stories of the existing building.

(5) In computing the rear yard appellant utilized one-half of the alleys shown on the plat provided the Board which gives him rear yards of 12'6" on the five foot wide alley side of the building and 15' on the eight foot wide alley side of the building, whereas regulations require a rear yard of 18'2" from the center line of the alleys from the 2nd floor to the top of the eighth story parapet.

(6) There was objection to the granting of this appeal from the abutting property owner of lots 823 and 828, square 161, being premises 1124-26-28 Connecticut Avenue. This protestant stated that the appellant figured his computations of the rear yard from the center line of a private alley which he has 100% interest in at this time. He further testified that there is a five foot strip which he has partial interest in which was also used in the computation of the rear yard. This is also a private alley. He stated further that appellant should not be permitted a variance on his rear yard requirements as it will interfere with his property rights.

**OPINION:**

The Board finds that the existing four-story building has established a nonconforming rear yard and that to add additional stories with the same rear yard will not have an adverse affect on the neighborhood, be detrimental to the public good or impair the intent, purpose, and integrity of the zone plan.

The Board further finds that the enclosure on the roof of this proposed office building for service equipment will harmonize with the main structure in architectural character, material and color.